



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN  
County Counsel

May 6, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI   
Senior Assistant County Counsel

RE: **Richard Farmer v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. MC 018 987**  
**(Consolidated with MC 018 998 and MC 019 017)**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Richard Farmer v. County of Los Angeles, et al., Los Angeles Superior Court Case No. MC 018 987 (Consolidated with MC 018 998 and MC 019 017), in the amount of \$150,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This lawsuit arises from an automobile accident involving an employee of the Department of Public Works.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Richard Farmer v. County of Los Angeles, et al. (Consolidated with Marvin and Pamela Richardson v. County of Los Angeles, et al. & Donald and Gerladine Mace v. County of Los Angeles, et al.)
CASE NUMBER	MC018987 (consolidated with MC018998 & MC019017)
COURT	Los Angeles Superior Court
DATE FILED	3/3/2008, 3/07/2008, 3/28/2008
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ \$150,000 (Farmer) \$400,000 (Richardsons) \$130,000 (Maces)
ATTORNEY FOR PLAINTIFF	Robert O. Huber, Esq. (Farmer) Kurt Stiefler, Esq. (Richardson & Mace)
COUNTY COUNSEL ATTORNEY	Brian T, Chu Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a near head on automobile collision on March 11, 2006 involving a public works employee driving a County-owned truck on westbound Sierra Highway and a pick up truck driven by Marvin Richardson. Pamela Richardson, Richard Farmer, Donald Mace and

Geraldine Mace were passengers in Mr. Richardson's pick up truck traveling in the opposite direction. The County driver lost control over the County truck during cold and icy road conditions.

Mr. Richardson pulled over to the right shoulder of the road, however, the County truck crossed over to the other side and collided with Mr. Richardson's pick up truck. As a result, the Richardson, the Maces and Mr. Farmer received physical injuries. The Richardsons, the Maces, and Mr. Farmer contend that the County driver was negligent in the operation of the County's truck and that the County is vicariously liable for their injuries.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiffs.

PAID ATTORNEY FEES, TO DATE	\$	61,993
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PAID COSTS, TO DATE	\$	8,119
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Case Name: Marvin Richardson, Richard Farmer, Donald Mace, et al., vs. COLA



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	March 11, 2006
Briefly provide a description of the incident/event:	On March 11, 2006, an employee of our Road Maintenance Division was on storm patrol in Maintenance District 553. Our employee was traveling southbound on Sierra Highway, approaching Shannondale Road, when it began to snow. At that time, the roadway developed icy conditions, which caused our employee to lose control of the County vehicle. The County vehicle then crossed over the centerline, into the opposing lane of traffic where it subsequently struck and damaged the claimant's vehicle. Mr. Richardson and his five passengers sustained various injuries as a result of the collision.

1. Briefly describe the root cause(s) of the claim/lawsuit:

During our review of the incident, it was found that our employee was driving at speeds not reasonable and prudent for the prevailing weather conditions. The Traffic Collision Report prepared by the California Highway Patrol indicated that our employee was traveling at a rate of about 40 miles per hour, which was determined to be excessive for the weather conditions.

Additionally, Public Works has concluded there is merit to evaluating our existing Automotive Accident Review process for opportunities to improve our standards of driver safety and reduce further vehicle accidents and associated losses.

County of Los Angeles  
Summary Corrective Action Plan

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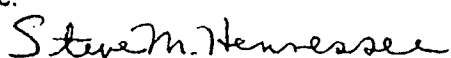
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


The accident was reviewed by Public Works' Automotive Safety Committee on May 10, 2006. The members of the Committee found the incident to be preventable. As a result, a five-day suspension was issued to the Public Works employee by our Advocacy Section, and our employee is required to attend driver training for inclement weather conditions annually.

Additionally, Public Works will evaluate our existing Automotive Accident Review process to strengthen existing procedures and specifically assess whether employees should be removed from driving status. The estimated implementation date is October 30, 2010.

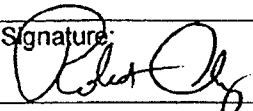
3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has Countywide implications.
- ☒ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

for Name: (Risk Management Coordinator) Steven G. Steinhoff	
Signature: 	Date: 4-28-10

Name: (Director) Gail Farber	
Signature: 	Date: 4-28-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: 	Date: 4-28-10

CC:psr  
P4:RICHARDSON SCAP5 (NEW FORM)

**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**DEPARTMENT OF PUBLIC WORKS**

**CORRECTIVE ACTION PLAN**

**LAWSUIT OF:** Richardson, et al., v County of Los Angeles

**INCIDENT DATE:** March 11, 2006

**INCIDENT LOCATION:** Sierra Highway, near Shannondale Road, unincorporated Agua Dulce area

**RISK ISSUE:**

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

**INVESTIGATIVE REVIEW:**

On March 11, 2006, Marvin Richardson was driving his 2004 GMC Sierra extended cab pickup truck northbound on Sierra Highway. His wife, Pamela Richardson, was a passenger, along with two other couples, Donald and Geraldine Mace and Richard and Diana Farmer. At that time, a Road Maintenance District 553 Supervisor was patrolling the area during a storm, in a 2001 Chevy Silverado 1500 Crew Cab pickup truck. As a result of icy and snowy road conditions, the County vehicle lost traction and slid into the opposing lane of traffic. Seeing the County vehicle approaching from the opposite direction, Mr. Richardson pulled over to the side of the road and onto the dirt shoulder. However, our employee was unable to control the County vehicle and subsequently collided with the claimant's vehicle.

This matter was reviewed by Public Works' Automotive Safety Committee, where it was determined that the County employee was at fault for the incident.

**POLICY ISSUES:**

Public Works has several safety directives governing the safe operation of vehicles and equipment; vehicles are to be operated safely for the conditions and within the law.


**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**CORRECTIVE ACTION:**

Based on the facts of the accident, the employee's driving record and the value of property damage and injuries resulting from the accident, a five-day suspension was issued to the Public Works employee by our Advocacy Section, and our employee is required to attend driver training for inclement weather conditions annually.

Additionally, Public Works will evaluate our existing Automotive Accident Review process to strengthen existing procedures and specifically assess whether employees should be removed from driving status. The estimated implementation date is October 30, 2010.

Reviewed & Recommended.

  
\_\_\_\_\_  
Dean Lehman                      Date  
Assistant Deputy Director

Approved

  
\_\_\_\_\_  
for Patrick V. DeChellis                      Date  
Deputy Director

PF:psr

P4:1RICHARDSON CAP REVISED5